IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

WRIT PETITION NO.1035 OF 2007

Sunil Kothari .. Petitioner.

Versus

Union of India & 2 others .. Respondents.

Mr.V.M. Doiphode for the petitioner.

Mr.P.S. Jetly with Mrs.S.V. Bharucha & Mr.K.R. Choudhary & Mr.Parag Vyas for the respondents.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 26TH JULY, 2007.

P.C. :

1. By order dated 4th July, 2006, the appellant was directed to make pre-deposit of 10% of the amount of penalty as a condition for hearing the appeal. The appellant applied for variation of the order of pre-deposit. That was disposed of by order dated 13th September, 2006. It appears that there were some clerical orders. The clerical orders were corrected and the appeal was disposed of by order dated 20th March, 2007 for failing to comply with the conditional order passed by the Tribunal.

2. We have perused the impugned order. We find that the order does not suffer from any error of law apparent on the face of record. We asked the learned Counsel for the petitioner if the

petitioners were willing to deposit the amount as ordered by the Tribunal by order dated 4th July, 2006. The learned counsel states that they have no capacity to deposit the amount.

3. We find no case for interference. The petition is rejected.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)